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January 14, 2025

Client/Matter No. 22088-0014

Via ECF

Hon. Margaret M. Garnett, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Douglas Jemal v. Elliot Shalom
Southern District of New York, Case No: 1:23-cv-09404

Dear Judge Garnett:

This firm is counsel to Plaintiff Douglas Jemal ("Plaintiff") in connection with the above referenced action. I write jointly with the consent of counsel to Defendant Elliot Shalom ("Defendant") pursuant to section I.B.5 of Your Honor's Individual Rules to respectfully request a 30-day extension of the deadline for the parties to assert their right to reopen this action if the settlement is not consummated, So Ordered by Your Honor on December 4, 2024 (the "Dismissal Order"). The current deadline for the parties to submit a motion asserting their right to reopen the instant matter is January 18, 2024. There have not been any prior requests for an extension of time to reopen this action.

As the Court is aware, the parties reached a settlement in principle on December 4, 2024, during a settlement conference before Judge Sarah Netburn which was entered on the record. Following such settlement conference, this Court entered the Dismissal Order on December 4, 2024, which provided the following:

The Court having been advised that all claims asserted herein have been settled in principle, it is ORDERED that the above-entitled action be and is hereby DISMISSED and discontinued without costs, and without prejudice to the right to reopen the action within 45 days of the date of this Order if the settlement is not consummated.

To be clear, any application to reopen must be filed by the aforementioned deadline; any application to reopen filed thereafter may be denied solely on that basis.

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Hon. Margaret M. Garnett, U.S.D.J.
January 14, 2025
Page 2

Since the Dismissal Order, the parties have worked diligently on drafting and finalizing a written settlement agreement. However, as a result of the holidays and other issues, the parties require additional time to finalize and execute the written settlement agreement. The parties remain committed to finalizing the settlement agreement, but believe it would be beneficial to extend the deadline for the parties to assert their right to reopen this action, in the unfortunate event that the parties are unable to finalize their settlement agreement.

The relevant date in the Dismissal Order is January 18, 2025, which is 45 days after the Dismissal Order was filed and thereby serving as the deadline for the parties to assert their right to reopen the action in the event the settlement was not accomplished.

As a result, in order to best protect the interests of both parties, Plaintiff with the consent of Defense Counsel requests that this Court grant the parties a 30-day extension to the deadline for the parties to assert their right to reopen the action. The new-proposed deadline to reopen the action would be **February 17, 2025**.

Should Your Honor like to speak with counsel regarding this request, we would be happy to make ourselves available at Your Honor's convenience. We thank Your Honor for your consideration of this matter.

Respectfully Submitted,

/s/ Christopher J. Marino

CHRISTOPHER J. MARINO, ESQ.

cc: Harlan Lazarus, Esq. (via ECF delivery)

Request GRANTED. The deadline for the parties to seek to reopen the action is extended until **February 17, 2025**. This case remains closed. The Clerk of Court is directed to terminate Dkt. No. 44.

SO ORDERED. Date 1/14/2025



HON. MARGARET M. GARNETT
U.S. DISTRICT JUDGE